FARAD CONTINUTION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Appeal From Order No. 939 of 2005

Office Notes,Office Memorandum of Coram appearence,Court's Orders & Directors and Registrar's Order	Court or Judge's Order

Mr N A Nasikwala for appellant
Mr. for respondents

CORAM; A.M.KHANWILKAR J.

DATED 24.l.2006

P.C.

l. Heard the learned counsel for the parties. According to the appellant the appellant is in exclusive possession of other premises.The appellant was also in possession of room no.l36. However, in my opinion, no fault can be found with the order passed by the court below in disposing of the notice of motion no. 5043 of 2005 taken out by the appellant by granting limited relief of injunction against the respondents-defendants restraining them from sub-letting,

alienating, disposing of, and/or parting with possession of the suit room no. l36 to any third party. It is unnecessary to address on the issue which may be relevant for other premises. This is so because the relief claimed in the subject notice of motion taken out by the appellant was specific to room no.l36. I find no infirmity with the conclusion reached by the court below on the finding reached that the appellant - plaintiff was not in exclusive possession of room no.l36. On that finding, the order passed by the court below cannot be faulted. In other words at this interlocutory stage the direction of the court below being appropriate one, no interference is warranted in this appeal. Hence appeal is dismissed.

2.For the nature of the controversy involved between the parties the trial court may be well advised to expedite the hearing of the suit as High Court expedited case.